

AMENDED IN ASSEMBLY MARCH 13, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 757

Introduced by Assembly Member Melendez

February 15, 2017

An act to amend Sections 26150, 26155, and 26202 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL’S DIGEST

AB 757, as amended, Melendez. Firearms: concealed carry licenses.

Existing law authorizes the sheriff of a county, or the chief or other head of a municipal police department, if good cause exists for the issuance, and subject to certain other criteria, to issue a license to carry a concealed handgun or to carry a loaded and exposed handgun, as specified.

This bill would instead require the sheriff of a county, or the chief or other head of a municipal police department, to issue a license to carry a concealed handgun or to carry a loaded and exposed handgun, as specified, if good cause exists and the applicant is of good moral character.

This bill would define “good cause” for these purposes to include self-defense, defending the life of another, or preventing crime in which human life is threatened, and would provide procedural guidelines to the issuing authority on determining the presence or absence of “good cause.” The bill would make other technical, nonsubstantive changes.

By requiring a sheriff or chief of police to issue that license except in specified circumstances, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26150 of the Penal Code is amended to
2 read:
3 26150. (a) When a person applies for a license to carry a
4 handgun, the sheriff of a county ~~may~~ *shall* issue a license to that
5 person upon proof of all of the following:
6 (1) The applicant is of good moral character.
7 (2) Good cause, as determined pursuant to Section 26202, exists
8 for issuance of the license.
9 (3) The applicant is a resident of the county or a city within the
10 county, or the applicant's principal place of employment or
11 business is in the county or a city within the county and the
12 applicant spends a substantial period of time in that place of
13 employment or business.
14 (4) The applicant has completed a course of training as described
15 in Section 26165.
16 (b) The sheriff may issue a license under subdivision (a) in
17 either of the following formats:
18 (1) A license to carry a concealed handgun.
19 (2) Where the population of the county is less than 200,000
20 persons according to the most recent federal decennial census, a
21 license to carry a loaded and exposed handgun in only that county.
22 (c) (1) ~~Nothing in this~~ *This chapter shall does not* preclude the
23 sheriff of the county from entering into an agreement with the
24 chief or other head of a municipal police department of a city to
25 process all applications for licenses, renewals of licenses, or
26 amendments to licenses pursuant to this chapter, in lieu of the
27 sheriff.

1 (2) This subdivision shall only apply to applicants who reside
2 within the city in which the chief or other head of the municipal
3 police department has agreed to process applications for licenses,
4 renewals of licenses, and amendments to licenses, pursuant to this
5 chapter.

6 SEC. 2. Section 26155 of the Penal Code is amended to read:

7 26155. (a) When a person applies for a license to carry a
8 handgun, the chief or other head of a municipal police department
9 of any city or city and county ~~may~~ *shall* issue a license to that
10 person upon proof of all of the following:

11 (1) The applicant is of good moral character.

12 (2) Good cause, as determined pursuant to Section 26202, exists
13 for issuance of the license.

14 (3) The applicant is a resident of that city.

15 (4) The applicant has completed a course of training as described
16 in Section 26165.

17 (b) The chief or other head of a municipal police department
18 may issue a license under subdivision (a) in either of the following
19 formats:

20 (1) A license to carry a concealed handgun.

21 (2) Where the population of the county in which the city is
22 located is less than 200,000 persons according to the most recent
23 federal decennial census, a license to carry a loaded and exposed
24 handgun in only that county.

25 (c) ~~Nothing in this~~ *This chapter shall does not* preclude the chief
26 or other head of a municipal police department of any city from
27 entering an agreement with the sheriff of the county in which the
28 city is located for the sheriff to process all applications for licenses,
29 renewals of licenses, and amendments to licenses, pursuant to this
30 chapter.

31 SEC. 3. Section 26202 of the Penal Code is amended to read:

32 26202. (a) Upon making the determination of good cause
33 pursuant to Section 26150 or 26155, the licensing authority shall
34 give written notice to the applicant of the licensing authority's
35 determination. If the licensing authority determines that good cause
36 exists, the notice shall inform the applicants to proceed with the
37 training requirements specified in Section 26165. If the licensing
38 authority determines that good cause does not exist, the notice
39 shall inform the applicant that the request for a license has been
40 denied and shall state the reason from the department's published

1 policy, described in Section 26160, as to why the determination
2 was made.

3 (b) (1) Good cause for the issuance of a license to carry a
4 handgun includes, but is not limited to, self-defense, defending
5 the life of another, or preventing crime in which human life is
6 threatened.

7 (2) If an applicant's stated cause is self-defense, defending the
8 life of another, or preventing crime in which human life is
9 threatened, he or she shall not be required to prove the existence
10 of specific circumstances regarding his or her stated good cause.

11 (3) If an applicant's stated cause is not self-defense, defending
12 the life of another, or preventing crime in which human life is
13 threatened, the sheriff or chief or other head of a municipal police
14 department of a city or city and county may, by considering the
15 following, determine whether the applicant has stated good cause:

16 (A) Section 1 of Article 1 of the California Constitution,
17 including the declaration of rights providing that all people are by
18 nature free and independent and have inalienable rights, and that
19 among these are enjoying and defending liberty, acquiring,
20 possessing, and protecting property, and pursuing and obtaining
21 safety, happiness, and privacy.

22 (B) The value of concealed firearms in deterring violent crime.

23 *SEC. 4. If the Commission on State Mandates determines that*
24 *this act contains costs mandated by the state, reimbursement to*
25 *local agencies and school districts for those costs shall be made*
26 *pursuant to Part 7 (commencing with Section 17500) of Division*
27 *4 of Title 2 of the Government Code.*